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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,029	03/31/2004	Jeff Craven	8156	4944

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,029

Applicant(s)

CRAVEN ET AL.

Examiner

Christopher R Nalevanko

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Novak et al (2003/0126599).

Regarding Claim 1, Novak shows a multimedia terminating device (page 2 section 0037 set top box) for providing multimedia content transmitted over a communication network and received from a broadband connection (page 2 sections 0036-0038, broadband communication network) comprising broadband communication circuitry for receiving the content in broadband format (page 2 section 0038, page 4 section 0062, receiving, demodulation, and demultiplexing packets) and extracting the content from the broadband format (page 4 sections 0062, 0064 demultiplexing and demodulating packets, coded endcoder/decoder), and decoder circuitry for receiving the content from the broadband communication circuitry (page 4 section 0064, decoding network compatible data stream received from network), decoding the content and providing the content to at least one user device (page 4 section 0066, displaying interface on television, section 0067, sending data to PVR device) based on the content.

Regarding Claim 2, Novak shows that the communication circuitry contains cable modem circuitry (page 4 section 0062, conventional modem circuitry).

Regarding Claim 3, Novak shows that the format is DOCSIS (page 4 section 0062).

Regarding Claim 4, Novak shows the circuitry contains a DSP (page 4 section 0069, DSP)

Regarding Claim 5, Novak shows a graphics controller or processor (page 4 section 0066, graphics and sound controllers).

Regarding Claim 7, Novak shows that the decoder circuitry includes audio output (page 4 section 0066, audio/video signals, separate sound controllers).

Regarding Claim 8, Novak shows that the decoder circuitry includes a video output (page 4 section 0066, audio/video signals, separate graphics controllers).

Regarding Claims 9 and 10, Novak shows a digital data connection for connecting an external digital device, which could be a PVR (hard disk drive) (page 4 section 0067, PVR hard disk drive, fig. 3).

Regarding Claim 11, Novak shows a method for transporting a digital multimedia content over a broadband network from a central location to one or more subscribers (page 2 sections 0036-0037, broadband communication network, set top boxes) comprising converting the digital multimedia content in a digital multimedia content signal at the central location (page 2-3 section 0042, page 3 sections 0045, 0047-0051, broadcast centers gathering programming content and ensuring it is digital quality and encoded), formatting the digital content signal into a broadband-transport-format signal

(page 3 sections 0045, 0047-0051, broadcast centers gathering programming content and ensuring it is digital quality and encoded), transporting the broadband-formatted digital content signal toward the subscribers (page 3 section 0048, distribution to STBs), receiving the broadband-formatted digital content signal with broadband communication circuitry (page 2 section 0038, page 4 section 0062, receiving, demodulation, and demultiplexing packets), extracting the digital multimedia content from the broadband-transport-format signal (page 4 sections 0062, 0064 demultiplexing and demodulating packets, coded endcoder/decoder), and providing the digital multimedia content at one or more outputs (page 4 section 0066, displaying interface on television, section 0067, sending data to PVR device).

Regarding Claim 12, Novak shows that the format is DOCSIS (page 4 section 0062).

Regarding Claim 13, Novak shows that the communication circuitry contains cable modem circuitry (page 4 section 0062, conventional modem circuitry).

Regarding Claim 14, Novak shows that the decoder circuitry includes a video output (page 4 section 0066, audio/video signals, separate graphics controllers).

Regarding Claim 15, Novak shows that the decoder circuitry includes audio output (page 4 section 0066, audio/video signals, separate sound controllers).

Regarding Claim 16, Novak shows a digital data connection for connecting an external digital device, which could be a PVR (hard disk drive) (page 4 section 0067, PVR hard disk drive, fig. 3).

Regarding Claim 17, Novak shows that the format is DOCSIS (page 4 section 0062).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (2003/0126599) in further view of Brooks et al (6,816,940).

Regarding Claim 6, Novak shows that all of the circuitry is connected using a bus (fig. 3 item 314) and that MAC circuitry is used (page 2 section 0039, MAC address). Novak fails to specifically state that the bus connects a MAC of the broadband communication circuitry and a MAC of the decoder circuitry. Brooks shows that a bus connects a MAC of the broadband communication circuitry and a MAC of the decoder circuitry (fig. 2 items 224, 226, EMAC and CMAC, col. 7 lines 7-45, Ethernet MAC and Cable MAC connected by bus 214). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Novak with the ability of the communications MAC and decoder MAC to communicate through the bus, as shown in Brooks, so that the system device could adequately communicate with each other and perform necessary data functions.

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3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (2003/0126599) in further view of Kolze et al (2003/0177502).

Regarding Claim 18, Novak fails to specifically state using MIB. Kolze shows using MIB in a DOCSIS system (page 8 section 0075, Management Information Base (MIB) statistic gathering). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Novak with the ability of to use MIB, as shown in Kolze, so that the system device could process the signals correctly and ensure a robust data communications system.

Regarding Claim 19, Novak fails to specifically state using Dynamic Channel Change to select a transport channel. Kolze shows using Dynamic Channel Change to select a transport channel (page 3 section 0015, page 5 section 0048). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Novak with the ability of to use Dynamic Channel Change to select a transport channel, as shown in Kolze, so that the system device could select the appropriate bandwidth so that the data was received efficiently.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maruo et al U.S. Patent No. 6,757,909 discloses an internet set top box having an in-band tuner and cable modem.

Lazarus et al U.S. Patent No. U.S. Patent Application Publication No. 2003/0056226 discloses an implementation of virtual telephony endpoints in communications gateways.

Burke et al U.S. Patent No. 6,233,235 discloses a packet telephony power management.

Rakib U.S. Patent Application Publication No. 2004/0095963 discloses a process for sharing an upstream among multiple downstreams.

Sawyer et al U.S. Patent Application Publication No. 2003/0066087 discloses a digital transmission system having modulators remotely located from central media access control layer.

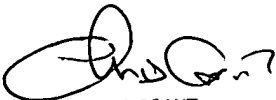
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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